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APPLICATION NUMBER 10 1553 058

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In re Application of GAMBUT-GAREL et al :  
U.S. Application No.: 10/553,058 :  
PCT Application No.: PCT/FR04/00709 :  
Int. Filing Date: 23 March 2004 : DECISION  
Priority Date Claimed: 03 April 2003 :  
Attorney Docket No.: 022702-136 :  
For: CROSSLINKABLE COMPOSITION FOR A :  
BATTERY ELECTROLYTE :

This is in response to applicant's "Petition to Withdraw Holding of Abandonment" filed 16 May 2008, which is being treated under 37 CFR 1.181. No petition fee is due.

### **BACKGROUND**

On 23 March 2004, applicant filed international application PCT/FR04/00709, which claimed priority of an earlier France application filed 03 April 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 21 October 2004. The thirty-month period for paying the basic national fee in the United States expired on 03 October 2005.

International application PCT/FR04/00709 became abandoned as to the United States for failure to timely pay the basic national fee.

On 12 October 2005, applicant filed a petition under 37 CFR 1.137(b).

On 09 June 2006, this Office mailed a decision granting the 12 October 2005 petition.

On 08 September 2006, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905).

On 06 April 2007, applicant purportedly filed a response to the Notification of Missing Requirements.

On 19 February 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the present application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 16 May 2008, applicant filed the present petition under 37 CFR 1.181.

### **DISCUSSION**

The evidence of record is sufficient to establish that the response to the Notification of Missing Requirements was originally filed on 06 April 2007. Specifically, the copy of the return postcard, which includes the response to the Notification of Missing Requirements in its itemized contents and which bears a USPTO date stamp of 06 April 2007, serves as prima facie evidence that the response to the Notification of Missing Requirements was received by the USPTO on 06 April 2007.

### **CONCLUSION**

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 23 March 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 06 April 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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